

Steven C. Quay  
Application No.: 09/587,116  
Page 3

PATENT

Restriction Requirement

The Examiner has issued a second Restriction Requirement, dividing the pending claims into three Groups:

Group I. Claims 1-12 and 15-27, wherein X = O.

Group II. Claims 1-12 and 15-27, wherein X = S

Group III. Claims 1-12 and 15-27, wherein X is nitrogen (NH).

As discussed above, claim 4 was canceled in Applicant's response of January 28, 2002 in response to the earlier Restriction Requirement. Thus, Applicant's present response is relevant to claims 1-3, 5-12 and 15-27.

In response to the present Action, Applicant elects the species in which X is oxygen for examination on the merits. Applicant earlier elected this group through his representative during a telephonic election of species issued by the previous examiner of the instant application. In a telephone conference with the Applicant's representative on Jul 25, 2002, the present examiner informed the Applicant's representative that the oral election had apparently not been joined to the application file wrapper. Thus, Applicant repeats the election of those species in which X is oxygen. Regarding the election of a specific species, Applicant elects compound 4 (FIG. 1) (6-(N-((3S)-2-oxo(3,3,4,5-trihydrofuryl))-carbamoyl)-hexanoic acid). Pending claims 1-3, 5-12, 15 and 19-27 read upon the elected species.

Although the Action is referred to as a Restriction Requirement, the Action appears to be in the form of an Election of Species. The Examiner acknowledges that claim 1 is generic and states that upon election of a single elected species, a generic concept inclusive of the species will be identified by the Examiner.

CONCLUSION

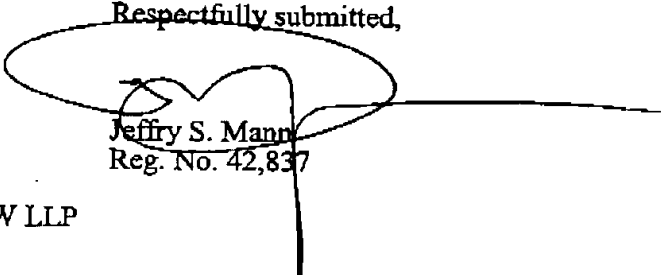
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Steven C. Quay  
Application No.: 09/587,116  
Page 4

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .

Respectfully submitted,



Jeffry S. Mann  
Reg. No. 42,837

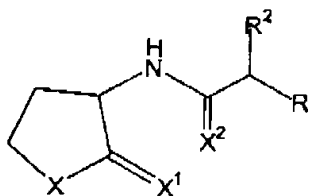
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: (415) 576-0300  
JSM:jsm  
SF 1368990 v1

Steven C. Quay  
Application No.: 09/587,116  
Page 5

PATENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended Thrice) A compound having the structure:



(I)

wherein,

$R^1$  is a member selected from  $-H$ ,  $-OH$ , and  $(=O)$ ;

$R^2$  is a member selected from reactive functional groups, alkyl groups terminally substituted with a reactive functional group and internally substituted alkyl groups terminally substituted with a reactive functional group wherein said alkyl groups terminally substituted with a reactive functional group and said internally substituted alkyl groups terminally substituted with a reactive functional group are substituted with a reactive functional group which is a member selected from  $-OR^3$ ,  $-NHR^4$ ,  $-COR^5$ ,  $-SH$  and  $-CH_2X^3$  wherein,

$-OR^3$  is a member selected from hydroxy, alkyl sulfonate and aryl sulfonate groups;

$R^4$  is  $H$ ;

$R^5$  is a member selected from  $H$ ,  $X^3$  and  $-OR^6$ , wherein

$R^6$  is a member selected from H alkyl, substituted alkyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, heterocyclyl and substituted heterocyclyl groups; [and]

Steven C. Quay  
Application No.: 09/587,116  
Page 6

PATENT

$X^3$  is a halogen;

X is a member selected from  $-\text{O}-$ ,  $-\text{S}-$  and  $-\text{NH}-$ ; and

$X^1$  and  $X^2$  are members independently selected from O and S.